Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Service Rules for the 698-746, 747-762, And 777-792 MHz. Bands	)	WT Docket No. 06-150
	)	
	)	
Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz. Band	)	PS Docket No. 06-229

REPLY COMMENTS OF THE NEW YORK CITY POLICE DEPARTMENT

I. INTRODUCTION

1. The New York City Police Department respectfully submits these reply comments in response to the Commission's Second Notice of Proposed Rulemaking concerning how to best re-structure the rules governing 700 MHz. Public Safety spectrum. The New York City Police Department appreciates the Commission affording us this opportunity to express our views regarding this critical and timely issue.

2. The New York City Police Department is the Nation's largest police agency with plenary law enforcement responsibility throughout the five Boroughs of the City of New York. The New York City Police Department operates a PSAP which receives approximately eleven million E-911 calls annually, and patrols a land area

of approximately 306 square miles, including some of the most densely populated geography in the nation.

II. BACKGROUND

3. The New York City Police Department has been closely following the ongoing dialogue within the Public Safety Community regarding the 700 MHz. Public Safety spectrum set forth in Dockets 06-150 and 06-229. These Reply Comments are in response to Comments filed by others regarding the Commission's Second Notice of Proposed Rulemaking concerning the best approach to implement a public safety broadband wireless network either at the national, regional or local level.

4. The NYPD is wholly supportive of the positions taken by Washington D.C.; the City of San Francisco, and the City of Philadelphia, and supports many of the positions taken by the Commonwealth Of Virginia – Virginia Information Technologies Agency; King County Washington Regional Communications Board, Verizon Wireless, Northrop Grumman Information Technology, Motorola, and Tyco Electronics M/A COM.

5. We wish to emphasize that we base our opinions on real world experience implementing and operating public safety radio systems in the New York City radio frequency environment, not on theory or assumptions. Our intent is to challenge

the viability of the proposed nationwide public/private partnership broadband network, suggest that the Commission adapt a regional or local approach and present an alternative proposal for consideration.

III. DISCUSSION

A. The Commission Should Clarify Its Intent Regarding The Use Of The 700MHz. Public Safety Broadband Interoperable Network.

6. There seems to be some confusion among Public Safety agencies regarding the Commission's intent as to the use of the proposed 700MHz. broadband interoperable network. Some believe that the network is intended for data only, while others think that the network is also intended for mission critical voice. The NYPD believes that the Commission intended the network to include mission critical voice.

7. The NYPD supports the following comments filed by the Commonwealth Of Virginia – Virginia Information technologies Agency (VITA), and notes the comments filed by TE M/A COM in this regard.

> "In closing, the final comment that VITA makes relates to the overall broad view of the proposed 700 MHz. public safety network. VITA is not convinced that this proposed network has a consistent meaning and understanding amongst different public safety interest(s). That is, in talking with different public safety users, some think of this network as a data only network, others

believe it to be an integrated voice and data architecture. It is VITA's suggestion that the Commission publish and post on the internet an article or handbook, or sponsor town hall meetings."[1]

"The Commission has envisioned the D-Block network as a data network; not a network for mission critical *voice* communications…"[2]

8. Some observers believe that the proposed network, which is consistently referred to by the Commission as a "broadband public safety interoperable network" is meant only to be used to facilitate interoperability between public safety agencies responding to an incident, while others believe that the network is also intended for intra agency communications on a routine basis. The NYPD believes that the network is intended for intra agency purposes as well as for interoperability with other public safety agencies.

B. There is no Business Case for a Single Licensee Broadband Network

9. The NYPD supports the following Comments filed by Motorola in response to the Second FNPRM.

"Motorola believes that the initial auction of the upper 700 MHz. D Block was not successful because commercial entities could not absorb the additional costs of building a commercial system designed to public safety specifications

[1] See Comments filed in response to the Second FNPRM by the Commonwealth Of Virginia - Virginia Information Technologies Agency

[2] See Comments filed in response to the Second FNPRM by TE M/A COM; page 8, first paragraph.

while still being able to charge commercially competitive rates. The cost issue is compounded by the fact that there are only about 2 million first responders – an insufficient number to amortize the high costs associated with hardening the network and constructing infrastructure covering over 99.3 percent of the U. S. population. The increased costs of meeting these requirements for a user base with a relatively small number of subscribers makes it difficult, if not impossible, t build a network that is viable based on market competitive service rates.

Absent any supplemental funding, Motorola believes that the only way to reduce these costs and thus improve the commercial viability of the shared network is to relax the D Block requirements to ones much more closely aligned [with] other commercial licensees. Elimination of the public safety specifications and requirements, however, would fail to meet a primary goal of providing a public safety grade network."[3]

10. The NYPD supports the following Comments Filed by Verizon Wireless in response to the Second FNPRM.

"1. The D Block concept is fundamentally - and fatally - flawed.

The capital investment required to construct a nationwide, broadband network built to public safety's more rigorous standards is substantial, far outweighing the investment in spectrum that might be saved by having public safety contribute its spectrum to the partnership. This would be true even if the D Block wee given away for free. Moreover, the "buy now, negotiate later" auction structure is plagued with uncertainty because it deprives potential bidders of the information necessary to evaluate the

[3] See Comments filed by Motorola Inc. in response to the Second FNPRM; Section 1, page 4, second paragraph.

consequences of a winning bid. Even if the Commission were prepared to provide additional certainty by better defining the specifications of the prospective network, doing so would not be enough to rehabilitate the D Block concept because there is no way of knowing how much of the network's capacity would be required by public safety and how much would be available for commercial use or how much revenue the network would generate.[4]

C. No Mandatory Use of Nationwide Broadband Network

11. The NYPD supports the following Comments filed by the City Of Philadelphia in response to the Second FNPRM

"Use of a National Network Should Not Be Mandatory (C1)

"… Mandating participation in a national network is not in the public interest because it requires local governments to cede control over service and operations and to accept terms that may not meet the specific communications needs of their public safety agencies. Under the Second Report and Order, local governments will be required to pay user fees for the networks that are negotiated by the PSBL and the D Block licensee. Where local governments are required to pay user fees over which they have no control, they must have the option of declining participation in he network where they determine the fees are unaffordable or local budget appropriations do not cover them.[5] "

12. The NYPD supports the following comments filed by Tyco Electronics M/A COM in response to the Second FNPRM

[4] See Comments filed by Verizon Wireless in response to the Second FNPRM; Section I, Topic1,Page 4

[5] See Comments filed by the City Of Philadelphia in response to the Second FNPRM; Section II, Topic C, page 6 paragraph 1.

"TE M/A COM recognizes the need for some regional flexibility in the build out and the requirements of any public safety broadband network. Mandatory use of the network will severely limit this regional flexibility and create an economical and operational encumbrance upon the public safety community. The Commission should not require public safety entities or localities to subscribe to any D-Block broadband network. Indeed, implementing this type of command and control regulation for the sake of "greater certainty for the D Block licensee" would foreclose regional flexibility, thus harming public safety communications. TE M/A COM is particularly troubled by the possibility of unfunded mandatory usage requirements for the D-Block network.[6]"

13. The NYPD supports the following Comments filed by the Commonwealth Of Virginia

"In response to other issues raised in the Second FNPRM, it is the position of the Commonwealth that:

- Eligible public safety users should not be required to subscribe to the public safety broadband network for service. (Paragraph 37)"[7]

D. Local Public Safety Broadband Networks Are Already Emerging

14. The NYPD supports the following Comments filed by Northrop Grumman Information Technology Inc. in response to the Second FNPRM.

"The Commission also seeks comment on 'the extent to which some public safety providers already have established interoperable broadband networks'. The marketplace is already moving to bring affordable mission-critical

[6] See Comments filed Tyco Electronics- M/A COM in response to the Second FNPRM; Topic IV; Page9.
[7] See Comments filed by the Commonwealth Of Virginia in response to the Second FNPRM; Topic 5; Page11.

broadband wireless to public safety on a local and regional basis, not withstanding the limitations on local access to the broadband Public Safety spectrum. Such networks are already rolling out and will continue to do so in growing numbers as technologies further mature and increasing economics of scale drive costs down. As discussed above, Northrop Grumman is in the process of building a full-scale public safety broadband wireless system in New York City serving public safety and other critical services agencies – a system that meets all of the Commission's technological and policy objectives. In the Washington, D.C. area, local governments of the National Capital Region deployed the initial phases of a regional broadband network on 700MHz Public Safety spectrum pursuant to a waiver issued by the Commission. Paralleling the natural growth and evolution of the commercial wireless marketplace, the forces of technology and economy are taking hold in public safety, beginning in these major urban areas. With ever-growing economies of scale for these systems using open standards and Internet Protocol based technology, reducing their costs, the number of such systems will continue to increase across the nation."[8]

"These networks are potentially harmonious with the proposed public/private national shared network. But if, for whatever reason, the public/private partnership does not come to fruition, the continued organic growth of such local networks can, over time, increasingly meet public safety's needs. Interoperability among these networks can be achieved by the tremendous inherent flexibility of IP-based networks. The robust adaptability of the latest broadband wireless user equipment (with software defined characteristics and multi-mode capabilities) can provide imbedded interoperability for the physical (radio frequency) layer without a need for total nationwide homogeneousness..."[9]

[8] See Comments filed by Northrop Grumman in response to the Second FNPRM; Section IV, page 10.
[9] See Comments filed by Northrop Grumman in response to the Second FNPRM; Section IV, page 10.

15. The NYPD supports the following Comments filed by The City and County Of San Francisco in response to the Second FNPRM

> "The City asks the Commission to give local public safety agencies access to the 700 MHz. PSBB spectrum. Agencies in the San Francisco Bay Area have the resources and capability to build a regional broadband network, but need the spectrum. The failure of the D Block auction to meet the reserve price is evidence that serious flaws exist with the commission's proposed public-private spectrum sharing proposal. "[10]
>
> "Rather than proceeding once again with an uncertain auction, a vague network sharing agreement, an untested network, and the prospect that many local public safety agencies could choose not to participate, the City recommends that the Commission instead focus on developing both: (1) a plan to allocate spectrum locally or regionally where local agencies can demonstrate viable and realistic local plans; and (2) a set of minimum interoperability standards that local agencies would agree to support and build into their local systems."[11]

E. Public Safety Must Control Its Own Spectrum

16. The NYPD supports the following Comments filed by The City and County Of San Francisco in response to the Second FNPRM

[10] See Comments filed by the City and County of San Francisco in response to the Second FNPRM; Section I, page2, paragraph 3.
[11] See Comments filed by the City and County of San Francisco in response to the Second FNPRM; Section I, page2, paragraph 4.

"Even if an acceptable agreement could somehow be crafted, local public safety agencies would be helpless to prevent tacit service level reductions or even outright abandonment of the network due to a lack of commercial profitability. While a commercial entity can always exit the market and declare bankruptcy if the business model is unprofitable, bankruptcy is not an option for public safety agencies"[12]

"A commercial provider may not be invested with the level of urgency necessary to serve the community interest by providing an acceptable level of local public safety service. Often in a disaster the operational needs of local first responders will change rapidly and drastically. If public safety agencies control the local network they may quickly and efficiently make the operational changes necessary to respond to events taking place in he field. However, if a commercial carrier, and particularly a nationally based carrier, controls the network, urgent requests to adjust operations or service levels could take valuable time to implement. Implementation could also be delayed until the commercial carrier weighs various profit and loss consequences. In other words, the level of 'customer care' required by local public safety agencies may be unacceptable to a commercial, national licensee."[13]

"The experience of San Francisco and other cities in their attempts to deploy Broadband Wi-Fi service is enlightening. The well documented pattern of failed business models and swift market exits by publicly owned operators has stifled wireless public/ private partnerships planned for Philadelphia, Chicago, Boston, Houston and New Orleans, as well as dozens of smaller cities across the country. Nothing in the Commission's proposal gives us

[12] See Comments filed by the City and County of San Francisco in response to the Second FNPRM at I. Introduction page1, paragraph 3.
[13] See Comments filed by the City and County of San Francisco in response to the Second FNPRM at I. Introduction page1, paragraph 4.

confidence that similar abandonment would not occur if the D Block licensee fails to make a sufficient profit."[14]

F. The Commission Should Endorse a Local or Regional Approach Rather than Mandating a Single Entity Nationwide Network

17. The NYPD concurs with the following Comments filed by Motorola in response to the Second FNPRM

> "Regardless of whether the Commission continues to pursue a public-private partnership or Congress chooses to consider new legislation under which funding will be made directly available to public safety agencies, Motorola believes that the most effective means of deploying a public safety broadband network to meet the variety of needs across multiple agencies and jurisdictions is to do so on a regional basis under a national framework as opposed to a national basis only."[15]

> "In the proceeding leading up to the establishment of the Public/Private Partnership, virtually all public safety agencies emphasized the need for local control over deployment of the network. Local entities are most familiar with their day to day coverage and usage requirements and are best positioned to effectively deploy in their awn area pursuant to a national framework that would insure the goal of nationwide interoperability could be met. Local public safety entities also have a long history of deploying their own communications networks and infrastructure and, with proper support, would be well qualified to deploy the public safety broadband network."[16]

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[14] See Comments filed by the City and County of San Francisco in response to the Second FNPRM; page8, footnote 6.

[15] See Comments filed by Motorola in response to the Second FNPRM; page 15, second paragraph.
[16] See Comments filed by Motorola in response to the Second FNPRM; page 16.

"…Accordingly, Regional deployment is also likely to lead to more effective deployments as each region will deploy according to their own specific needs, environment and urgency. Deployments in multiple regions could occur simultaneously, thus creating a nationwide network designed to serve local needs relatively quickly."[17]

18. The NYPD concurs with the following Comments filed by the City of Philadelphia in response to the Second FNPRM

"…The City has serious concerns, however, related to ceding local control over public safety infrastructure to national entities that may be unable to adequately represent the needs of our public safety users..."[18]

"…Reliance on a public private partnership at the national level presents multiple risks for local governments. While local governments are uniquely well positioned to know and respond to the needs of public safety users, it is far from clear that we will have any role in negotiating critical terms of the NSA..."[19]

19. The NYPD concurs with the following Comments filed by The City and County Of San Francisco in response to the Second FNPRM

"In the FNPRM, the Federal Communications Commission ("Commission") posed a wide range of questions. The City's comments, however, concern only those questions the City considers of paramount importance. Virtually all natural or man-made disasters are local or regional in nature and require a local response. Nevertheless, he Commission dedicates very few of the hundreds of FNPRM questions to comments that would propose local

[17] See Comments filed by Motorola in response to the Second FNPRM; page 16.
[18] See Comments filed by The City of Philadelphia in response to the Second FNPRM; page2, second paragraph.
[19] See Comments filed by The City of Philadelphia in response to the Second FNPRM; page3, first paragraph.

allocation and control of the PSBB spectrum and D Block spectrum as a viable option. For this reason, the City's comments all relate to the City's central cause for concern, namely that any plan that would reduce the ability to determine locally the PSBB network's standards and technical requirements, that would remove local control over operation or use of the network, or that would subjugate local public safety use of the network to use by a commercial carrier, their commercial clients and to commercially driven policies and practices, is unworkable and doomed to fail."[20]

20. The NYPD concurs with the following Comments filed by the State of Louisiana in response to the Second FNPRM

"We also believe that it is critical for the Commission to allow State and local agencies greater flexibility to build out broadband networks on an earlier basis, without imposing penalties, in areas where the nationwide public/private nationwide network implementation is delayed or unlikely, such as in low population density areas that do not fit the business model of the D block winner. Finally, if this public/private partnership concept fails to build a viable business model for a potential D Block winner, we urge the Commission to provide public safety with the means to implement broadband networks which meet our requirements. We recognize that Congressional efforts will be needed to provide us with financial resources that enable such network implementation by public safety agencies."[21]

21. The NYPD concurs with the following Comments filed by King County Washington Regional Communications Board (KCRCB) in response to the Second FNPRM

[20]See Comments filed by The City and County of San Francisco in response to the Second FNPRM page1, third paragraph.

[21] See Comments filed by The State of Louisiana in response to the Second FNPRM, page 3, first paragraph.

"4. The KCRCB urges the Commission to give serious consideration to returning the spectrum to public safety for their use on a local basis for the following reasons:

a. There is inadequate spectrum for both voice and data communications in the urban areas.

b. While data services can generally be provided by commercial carriers, voice services generally cannot. Therefore, there is a need for additional voice spectrum.

c. The Regional Planning Committees are in the best position to know the needs of the local areas and have proven themselves in the managing (of) the 800MHz. spectrum.

d. The financial viability of a public-private partnership has not been demonstrated. Given the latest auction results, and the requirements for the public safety portion of the proposed system, it appears unlikely to be a commercial success."[22]

G. Network of Networks Approach to Achieve Nationwide Interoperability

22. The NYPD supports the Following Comments Filed by Verizon Wireless in response to the Second FNPRM.

"A. The Commission Should Consider adoption of a "System Of Systems" Approach

One alternative means of creating a national framework without requiring the construction of a new nationwide network by one carrier is to develop an integrated national network on a so-called 'network of networks' or 'system of

[22] See Comments filed by King County Washington Regional Communications Board in response to the Second FNPRM; page 2, COMMENTS 4.

systems' basis- i.e., by interconnecting smaller networks developed on a common set of standards that allow for national interoperability." [23]

23. The NYPD supports the following Comments filed by The City and County Of San Francisco in response to the Second FNPRM

"Local Control and National Interoperability are not Mutually Exclusive"

"Presuming that the PSBB spectrum is assigned regionally, rather than to one nationwide entity, the FNPRM seeks comment on the ability to 'ensure that the primary goal of a national, interoperable communications network for public safety agencies is not jeopardized' and that some level of interoperability among various regional networks can be maintained. (Paragraph 184). The City is confident that local control and national interoperability are not mutually exclusive."[24]

"Multiple technical models already exist that would allow both local control and national interoperability. As defined in the Second Notice of Proposed Rulemaking Appendix, 'Possible Technical Framework for a 700MHz. Public/Private Partnership Shared Wireless Broadband Network', the requirements for a Public Safety system are well defined and accurate. That document precisely captures the mission critical nature of a public safety grade network, for both Radio Access Network and the Core Broadband

[23] See Comments filed by Verizon Wireless in response to the Second FNPRM, page 25.
[24] See Comments filed by The City and County of San Francisco in response to the Second FNPRM, page 9, paragraph 3.

Network. It should be used as the basis for the design of any public /private partnership network."[25]

H. Proposal: Allocate 20 MHz. of 700 MHz. Spectrum to Construct an Integrated Voice and Data Public Safety Interoperable Broadband Network

24. We propose that, since the overall financial goal of the action was met, the Commission not re-bid the "D" Block spectrum, but rather assign this spectrum to public safety. Combining the 10MHz. of D Block spectrum with the 10MHz. of public safety broadband spectrum would create a contiguous block of spectrum large enough to accommodate public safety voice and data requirements. As an alternative proposal, if it is not possible to assign the D Block directly to public safety, we propose that public safety agencies be granted immediate access to the 700 MHz. broadband public safety spectrum pending the outcome of a regionalized second auction. In any event, public safety should retain control of the 700MHz. broadband public safety spectrum even if a regional or local public/private partnership is ultimately established.

25. We now believe that the Commission never intended to prohibit the use of the 700 MHz. broadband public safety spectrum for mission critical voice communications. We also believe that the Commission's intent is that the 700MHz.

[25] See Comments filed by The City and County of San Francisco in response to the Second FNPRM, page 9, paragraph 4.

public safety interoperable broadband network can be used for both communications within a single public safety agency and interoperability communications between public safety agencies. We urge the Commission to clarify these two issues.

26. If our interpretation of the Commission's intent is correct, we believe that the 700 MHz. broadband spectrum can serve as a mechanism for public safety agencies to migrate their mission critical voice communications to a next generation radio platform, which we believe will be an integrated broadband voice and data network utilizing either a CDMA or an OFDM air interface and an IP backhaul or core network. We believe that the technology employed in future Public Safety radio systems will closely mirror the technology being deployed in commercial wireless networks. We believe that the next generation commercial broadband network will provide voice capabilities more acceptable to public safety users.

27. Given alternative spectrum "green space", many public safety agencies or local governments faced with the daunting task of replacing legacy land mobile radio systems to meet the narrow banding mandate, may reconsider their plans and choose to construct a broadband network in the 700MHz. spectrum that would support both mission critical voice and broadband data. Public Safety agencies taking advantage of this opportunity would free themselves from the high cost of replacing one obsolete technology with a technology that, although somewhat more

spectrally efficient, is virtually outdated. These agencies would benefit from technology advancements developed for the commercial wireless industry and enter into a much more competitive arena where volume drives down subscriber unit costs. Funding slated for narrowband compliance could be redirected towards building a 700 MHz. broadband voice and data network that is far more spectrally efficient than traditional narrowband voice land mobile radio public safety networks, potentially freeing up current spectrum.

28. The NYPD supports the Following Comments Filed by Verizon Wireless in response to the Second FNPRM

> "There is no question that the balkanization of LMR systems across multiple frequencies, technologies and configurations has contributed to the lack of interoperability[26]. How those risks play out on IP-based systems accessed through multi-mode device is less clear: the IP protocol itself may facilitate interoperability at the network level[27], and the use of multi mode handsets

[26] See GAO Report, 8 ("Historically, first responder communications interoperability has been significantly hampered by different and incompatible radio systems. Different technologies and configurations, including proprietary designs, by different manufacturers have limited the interoperability of public safety wireless communications systems. These systems have also operated on different frequencies in the radio spectrum.").

[27] See FCC, *2005 Report to Congress,* App. B at 5 & n.27 ("Just as a computer network uses IP technology to facilitate communication between end users on the network regardless of whether the end users are using Windows, MAC OS, or the LINUS cooperating system, public safety communication devices will reportedly be able to interoperate with other such equipped devices whether the radio side of the devices are operating on spectrum in the UHF/VHF, 700 MHz, 800MHz., 4.9GHz. Or satellite bands.

may allow for roaming across jurisdictions without the need for a common radio access standard[28]."

29. Public Safety agencies already committed to a narrowband voice solution to meet the narrowband deadline may choose to utilize the 700 MHz broadband public safety spectrum solely for data in the near term, electing to migrate voice to the 700MHz. public safety broadband platform from their narrowband voice system when broadband voice network call setup and Push To Talk latency issues, which have been a major concern of public safety agencies, will likely be resolved. Suppliers of public safety radio networks including Motorola, M/A COM, and Rivada Networks have already expressed their intent to pursue voice broadband technology for public safety communications; other network providers are likely to follow in kind. Equipment manufacturers will almost certainly be eager to supply voice broadband equipment to meet the network provider's requirements. This business dynamic will increase competition and ultimately reduce costs.

30. The Commission should reconsider the deadline to meet the narrowband requirement on the land mobile radio bands below 512 MHz. for public safety agencies willing to make a commitment to migrate to a 700 MHz. broadband network. Encouraging public safety agencies to migrate to a 700 MHz. broadband

[28] *Id.*, paragraph 27 (" A nationwide interoperable broadband mobile communications network could potentially include the use of 'smart radios', which are capable of operating on multiple frequencies in multiple formats, *so that different systems can connect with each other.* Properly implemented, a system with adequate spectrum and smart radios would enhance the instantaneous transmission of both data and voice between agencies.") (Emphasis added).

network will foster interoperability while simultaneously bringing public safety agencies into the mainstream of technology development, ultimately lowering costs.

31. Regional interoperability can be achieved by adapting a common air interface and operating on a common frequency band. National interoperability can be achieved by linking the regional networks IP based backhaul networks, creating a "network of networks", which may include a combination of public safety and commercial networks,

32. In rural and remote areas, deployable broadband network assets can be pre-positioned for use during a large scale event. The inclusion of a satellite backhaul component can link these deployable networks to a node on an IP based network which in turn would be part of the "network of networks" thus establishing connectivity with State, Regional and National command structures. These deployable assets can become part of the State Communications Interoperability Plan.

IV. CONCLUSION

33. The Commission has a unique opportunity to address the issue of public safety access to broadband networks by permitting regional and local public safety agencies to construct interoperable broadband voice and data networks The 700 MHz public safety band is the most appropriate frequency band for this application The establishment of regional or local broadband networks on the 700 MHz public

safety allocation should be accompanied by regional frequency coordination in order to facilitate frequency reuse at close intervals. A common air interface and a common backhaul protocol (IP) must be chosen to insure interoperability.

34. The Commission should re-examine their position on narrow banding as the most spectrum efficient approach for voice networks. We believe that commercial wireless network providers and the Commission share a common goal of spectral efficiency. We believe that the next generation public safety radio system will be a broadband voice and data network taking advantage of and following the technology lead of commercial wireless manufacturers and network providers.

35. We believe that many public safety agencies would ultimately opt to construct a public safety broadband voice and data network on the 700MHz. band when their existing radio network reaches end of life if the spectrum were made available to them at no cost, taking advantage of technology pioneered by commercial wireless networks.

36. The Commission, by clearing 700 MHz. Nationwide has created an historic opportunity for first responders. By allowing a consolidation of the 20 MHz. of D-block spectrum it would give public safety access to the "spectrum tool" it needs. This "tool" would simultaneously provide Public Safety with firstly- green space to build, on their own or in a public/private partnership (regionally), cutting edge

communications systems for both voice and data, secondly- the spectrum platform to solve the problem of national interoperability with a network of networks, and thirdly- follow the lead of commercial wireless technology to spectrum efficiency while dramatically reducing the cost of equipment. The N.Y.P.D. believes it would be a mistake to follow a policy of one national commercial provider that could never fulfill the mission critical needs of First Responders.

Respectfully Submitted,
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